(3)

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

SECOND APPEAL NO. 210 /2005. SINGLE BENCH

APPELLANT. (Plaintiff)

M.A. Faheem S/o Late Shri M.A. Aleem, aged about 46 years, Occupation Jurnlist, resident of Salhevapara Dhamatari Tahsil & Dist. Dhamatari (C.G.).

VERSUS

RESPONDENTS (Defendants)

1. Ram Prakash S/o Shri Madan Lal Agrawal, aged about 45 years,
2. Vijay Kumar S/o Shri Madan Lal Agrawal, aged about 30 years, both resident of Sihawa Road, Dhamatari Tahsil & Dist. Dhamatari (C.G.)

P.R. No. 20-7-05
Presented by Shri R.S. Pawar
dated 7.7.05

SECOND APPEAL U/ S 100 OF CIVIL PROCUDURE CODE.

XI-HC-22

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक S.A.No. 210/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.06.2005 Shri RS Patel, counsel for the appellant. Heard on admission and on M.(C.)P.No.635/2005 for stay. Appellant filed a suit for eviction and compensation on the ground that on 06.04.1994, respondent No.2 executed a compromise agreement to pay rent @ Rs.100/- per month for the land in dispute, thereafter respondents constructed three rooms and fenced the area by fencing wire and are continuing in possession thereof, but did not comply with the conditions of the agreement. Respondents refuted the averments made by the appellant and pleaded that respondent No.1 took possession of the said land in the year 1984 on rent from South Eastern Railway and since then he is in possession of it. The land bearing Khasra No.254 area 0.22 acres has already been sold to various purchasers by the father of the appellant. Learned lower Court after due appreciation of evidence, held that no agreement on 06.04.1994 had been executed and respondents are not tenants of the suit land. The suit land is in possession of the respondents and the rent is being paid to the Railways. It is further been held that the appellant failed to prove his ownership over the suit land. The First Appellate Court, Dhamtari	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(32)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	vide impugned judgment dated 22.01.2004 in Civil Appeal No.196/2002, after due appreciation of evidence fortified the findings of lower Court and dismissed the appeal. From the perusal of the records of Courts below and the concurrent findings of both the Courts, in my opinion, no substantial question of law involves in this case, therefore, the appeal is liable to be dismissed and is accordingly dismissed *in limine*. In the light of the above order, M.(C.)P.No.635/2005 and IA No.1160/2005 stand disposed of. **Sd/-** **V.K.Shrivastava** **Judge**	
padma		

(पीछे देखिये)